

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION**

Linda Marlene Johnson; Carla S. Alvanchi; Vickie L. Beinlich; Cynthia D. Cargile; Theresa S. Drescher; Terry Robert Gabrich, Sr. and Sharon Gabrich; Robert John Golias; Camille Denice Johnson; Edith A. Guffey; Lisa Henkel; Sherry L. Jackson; Linda S. Kennelly; Janice A. Lukacinsky and Sheryl Van Sice; Sally Jane Minzey and Theodore Dale Minzey; Irma Ochoa and Armando Ochoa; Teresa Shuff and Joe Shuff; Bonnie L. Tacy; and Victoria Vance,	) ) ) ) ) ) ) ) ) ) ) )
	CIVIL ACTION FILE  NO. 04-11427-GAO

**Plaintiffs,**

**V.**

**Indevus Pharmaceuticals, Inc., F/K/A Interneuron Pharmaceuticals Inc., Wyeth, Inc. F/K/A American Home Products Corporation; Wyeth Pharmaceuticals, Inc., F/K/A Wyeth-Ayerst Pharmaceuticals, Inc., A Division of American Home Products Corporation; and Boehringer Ingelheim Pharmaceuticals, Inc.; Robert R. DeCapua; Justin D. Crum; Bernice J. Menzies, Michelle L. Carner, Larry D. Bayliff, Gerald E. Lubben; Joseph Schrei; Gail S. Rasak; Marlo F. Ponos (a/k/a Marlo F. Tate); Michael D. Zell; Gregory Fountain; Mary Ann Roberts; Lyn A. Adanich; Kathleen A. Welsh; Ronald L. Duemler; Dennis M. Thimm; Lance E. Reno; Cynthia M. Cowgill; Timothy S. Circle; Donell N. Henthorne; Melody Phillips-Williams; Steve Sneider; Richard A. Dilibero; Thomas M. Duggan; Jennifer Hetherington; Joanne M. Izykowski; Zoanne H. Pokriefka; Joseph DiFrancesco; Hope Tileston; Thomas A. Wiehn; Lisa M. Birken (a/k/a Lisa Greenbaum); Shonda S. Shores (a/k/a Shonda S. Kim); Christian K. Miner; Kimberly Ann Owen; Mary M. Bodenhamer; Alicia I. McDougal; Shannon O. Sage; and John Doe**

**Defendants.**

**WYETH'S SUPPLEMENTAL NOTICE OF REMOVAL**

Come now Wyeth and Wyeth Pharmaceuticals, Inc. ("Wyeth") and supplement their Notice of Removal originally filed on June 24, 2004. Wyeth hereby incorporates its Notice of Removal by reference and further shows the Court as follows:

1.

Wyeth is a defendant in a civil action brought against it in the Superior Court of the Commonwealth of Massachusetts, Middlesex County, entitled *Johnson, et al. v. Indevus Pharmaceuticals, Inc., et al.*, bearing Civil Action No. 2004-01706.

2.

Wyeth removed this case to this Court on June 24, 2004.

3.

The Complaint names as defendants 37 current and former employees of Wyeth and Indevus Pharmaceuticals, Inc. ("Indevus") who allegedly worked as sales representatives for Wyeth and Indevus. Complaint ¶¶ 16-54. Only one of these defendants is a Massachusetts resident. Complaint ¶ 40.

4.

In addition to the reasons set forth in Wyeth's Notice of Removal, the non-resident sales representative defendants are fraudulently joined because Plaintiffs have no reasonable basis for a cause of action against them because Massachusetts courts do not have personal jurisdiction over them and because service of process on them was defective under Fed. R. Civ. P. 4 and 28 U.S.C. § 1448.

Respectfully submitted this 12th day of July 2004.

/s/ Janice W. Howe

William A. McCormack BBO #329580

Janice W. Howe BBO #242190

David Yamin BBO #562216

Bingham McCutchen LLP

150 Federal Street

Boston, MA 02110

(617) 951-8000

*Counsel for Defendants Wyeth and  
Wyeth Pharmaceuticals, Inc.*

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served the within and foregoing SUPPLEMENTAL NOTICE OF REMOVAL upon all parties to the above-captioned action by facsimile and by depositing a copy of same in the United States Mail in a properly addressed envelope with sufficient postage affixed thereto to ensure delivery to the following:

David C. Strouss (BBO # 546253)  
Marilyn T. McGoldrick (BBO # 561766)  
Thornton & Naumes, LLP  
100 Summer Street, 30<sup>th</sup> Fl.  
Boston, MA 02110

Ellen A. Presby (Texas State Bar # 16249600)  
Amy M. Carter (Texas State Bar # 24004580)  
Amy J. Shahan (Texas State Bar # 00797564)  
Jory D. Lange, Jr. (Texas State Bar # 24041294)  
Baron & Budd, a professional corporation  
3102 Oak Lawn Avenue, Suite 1100  
Dallas, TX 75219

*Counsel for Plaintiffs*

Matthew J. Matule (BBO #632075)  
Skadden, Arps, Slate, Meagher & Flom LLP  
One Beacon Street  
Boston, Massachusetts 02108

*Counsel for Defendants Indevus Pharmaceuticals, Inc. and Boehringer Ingelheim Pharmaceuticals, Inc.*

This 12th day of July, 2004.

/s/ Janice W. Howe

*Counsel for Defendants Wyeth  
and Wyeth Pharmaceuticals, Inc.*